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8 **THE UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10 **FRESNO**

11 UNITED STATES OF AMERICA,) Case No. 1:05-CV-00594- OWW-SMS
)
12 Plaintiff,) STIPULATION RE: DEFENDANT'S
) MOTION TO DISMISS AND MOTION
13 v.) TO STRIKE
) AND CONTINUANCE THEREOF
14 STEVEN HEMPFLING,)
)
15 Defendant.)
16)

17
18 Counsel for the defendant and Counsel for the government have entered into the
19 following stipulation – To Wit:

20 It is hereby stipulated by the parties that the hearing date set for January 9th, 2006 at
21 10:00 a.m. to entertain defendant's motion to dismiss and motion to strike, before the Honorable
22 Oliver W. Wanger be vacated and rescheduled for February 6th, 2006 at 10:00 a.m. before the
23 Honorable Oliver W. Wanger.
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1 I, William McPike declare under penalty of perjury that I entered into this stipulation with
2 Robert Metcalfe attorney for the United States in this matter and he has agreed to the above
3 stipulation.

4 Dated: 12-27-2005

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6 Respectfully Submitted,

7 /s/ William McPike
8 William McPike, Attorney for Defendant

9 /s/ Robert D. Metcalfe
Trial Attorney, Tax Division

10 IT IS SO ORDERED.

11 Dated: January 3, 2006 /s/ OLIVER W. WANGER
12 OLIVER W. WANGER,
13 United States District Court Judge

14 I hereby certify that on December 27th, 2005 I electronically filed the foregoing
15 **STIPULATION RE: STIPULATION RE: DEFENDANT'S MOTION TO DISMISS AND**
16 **MOTION TO STRIKE AND CONTINUANCE THEREOF** with the Clerk of the Court using
the CM/ECF system which will send notification of such filing to the following:

17 ROBERT D. METCALFE
18 Trial Attorney, Tax Division
U.S. Department of Justice
19 Post Office Box 7238
Washington, D.C. 20044

20 /s/ William McPike
William McPike, Attorney for Defendant